

**IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC,

Plaintiff,

v.

MASIMO CORPORATION and SOUND
UNITED, LLC,

Defendants.

Civil Action No. 22-1377 (MN) (JLH)

APPLE INC,

Plaintiff,

v.

MASIMO CORPORATION and SOUND
UNITED, LLC,

Defendants.

Civil Action No. 22-1378 (MN) (JLH)

**SOUND UNITED’S OPPOSITION TO PLAINTIFF’S RENEWED MOTION TO
DISMISS**

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Dated: July 19, 2023

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On July 18, Apple filed a Motion to Dismiss and Strike on two grounds. D.I. 184.¹ Apple asks the Court to issue an R&R denying Apple's motion to dismiss Sound United's inequitable conduct allegations for the same reasons the Court denied Apple's motion to dismiss Masimo's inequitable conduct allegations. *Id.* at 2-3. Apple intends to then object to both R&Rs because they decline to dismiss allegations about Apple's Chief IP counsel, Jeff Myers. *Id.* at 3.

Sound United agrees that its inequitable conduct allegations are the same as Masimo's inequitable conduct allegations. Thus, Sound United agrees the Court should issue an R&R denying Apple's motion to dismiss Sound United's inequitable conduct allegations for the same reasons the Court denied Apple's motion to dismiss Masimo's inequitable conduct allegations. Sound United incorporates and adopts Masimo's arguments made in its oppositions and at the hearing. *See* D.I. 68 at 17-19; D.I. 83 (-1377) at 3-18; 6/15/2023 Tr. at 22-30.

Respectfully submitted,

July 19, 2023

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By: /s/ John C. Phillips, Jr.

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¹ Unless stated otherwise, all citations are to 22-cv-01378.

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